

REMARKS

The present application was filed on November 26, 2003 with claims 1-29. Claims 1, 6-7, 10-11, 14-15, 20-21, 24-25, 28, and 29 have been amended. Claims 1-29 are pending and claims 1, 15, and 29 are the pending independent claims.

In the outstanding Office Action dated October 3, 2006, Examiner: (i) rejected claims 14 and 28 under 35 U.S.C. § 112, second paragraph; (ii) rejected claims 1, 3-15, and 17-29 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,130,936 to Sheppard et al. (hereinafter "Sheppard"); and (iii) rejected claims 2 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Sheppard in view of U.S. Patent No. 6,950,782 to Qiao et al. (hereinafter "Qiao").

In regard to the rejection of claims 14 and 28 under 35 U.S.C. § 112, second paragraph, Applicants have amended dependent claims 14 and 28 to clarify the subject matter of such claims. The word "thorough" has been changed to "substantially complete."

In regard to the rejection of claims 1, 3-15 and 17-29 under 35 U.S.C. § 102(b) as being unpatentable over Sheppard, Applicants have amended claims 1, 6-7, 10-11, 15, 20-21, 24-25, and 29, to recite "a distributed service-based application." Support for the amendment can be found on page 3, lines 16-19 of the Specification. This amendment, at the very least, highlights a key difference between the claims and Sheppard. Sheppard teaches an "electronic diagnostic tester for evaluating a failure state of a system having a defined number of functional elements." (Sheppard, col. 23 ln. 65-67). Sheppard fails to teach a method of problem determination in a distributed service-based application as found in the claims. Distributed service-based applications were not provided for at the time of Sheppard's invention (1990). On the same note, Sheppard's method of problem determination is insufficient to handle the problems addressed by Applicants.

In addition to the above amendment, Applicants have amended independent claims 1, 15, and 29 to recite, "A method of problem determination in a distributed service-based application, comprising the steps of: . . . adaptively refining the at least one executed test case when the at least one testing result comprises at least one failure, to expose at least one problem that caused the at

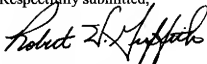
least on failure.” Support for the amendment can be found on page 5, lines 7-14 of the Specification.

Applicants respectfully assert that Sheppard does not teach adaptive refinement of test cases as taught in the claims. Sheppard makes no mention of refined test cases; instead, Sheppard applies a method of selecting tests from a predefined set of test methods. Using a fixed set of tests does not provide sufficient information to isolate a fault in a distributed service-based system, because predefined tests do not provide sufficient coverage of the application to isolate the fault. Therefore, Sheppard’s method is insufficient to address the problems associated with distributed service-based applications. For at least these reasons, independent claims 1, 15, and 29 are not anticipated by Sheppard. It follows that dependent claims 3-14 and 17-28 are not anticipated by Sheppard due to their dependence on claims 1 and 15. Accordingly, withdrawal of the §102(b) rejection of claims 1, 13-15, and 17-29 is respectfully requested.

In regard to the rejection of claims 2 and 16 under 35 U.S.C. §103(a) as being unpatentable over Sheppard in view of Qiao, Applicants respectfully assert that the combined teaching of Sheppard and Qiao fails to render such claims as obvious. First, Qiao fails to remedy the deficiencies of Sheppard described above with respect to the independent claims. Second, Qiao teaches a diagnostic and repair system for computer-controlled machinery (e.g., motor vehicles with onboard diagnostic systems). In contrast, Applicants’ method of problem determination and repair falls within the topic of distributed service-based applications. Therefore, the combined teaching of Sheppard and Qiao fails to provide the requisite support for an obviousness rejection with respect to claims 2 and 16. Accordingly, withdrawal of the §103(a) rejection of claims 2 and 16 is respectfully requested.

In view of the above, Applicants believe that claims 1-29 are in condition for allowance, and respectfully request withdrawal of the §112, §102(b), and 103(a) rejections.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert W. Griffith", written in a cursive style.

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